

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CHARLIE LEE GARY,)
Plaintiff,)
v.) 1:17CV1018
IRS SERVICES and)
U.S. DEPARTMENT OF JUSTICE,)
Defendants.)

ORDER

On November 15, 2017, the Memorandum Opinion and Recommendation of the United States Magistrate Judge ("Recommendation") was filed and notice was served on the parties in accordance with 28 U.S.C. § 636(b). [Docs. #3, 4.] The Magistrate Judge recommended that this action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). [Doc. #3.] Plaintiff Charlie Lee Gary subsequently filed three supplements to his Complaint. [Docs. #5-7.]

In the absence of objections, the district court is not required to explain its reasons for adopting the report. See Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). Instead, the court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

A review of Mr. Gary's supplemental filings shows three documents filed previously with his Complaint, [Docs. #5 at 2, 6 at 2, 7 at 2], and a host of other documents similar to those filed with his Complaint. These documents include his

previously submitted complaint, handwritten notes, bills, and advertisements.

[Docs. #5-7.] The new filings do not impact the analysis of Mr. Gary's Complaint. They are more of the same sort of filings the Magistrate Judge addressed in the Recommendation. (See Recommendation [Doc. #3] at 3 (Among other things, the Complaint "consists of . . . various utility and insurance bills" and a FTCA claim form.)). In addition, none of the supplemental filings contains an objection to the Recommendation. As such, because no objections have been filed, the Court has reviewed the Recommendation for clear error. Finding none, the Court agrees with the Magistrate Judge that Mr. Gary's claims against Defendants are subject to dismissal as frivolous.

IT IS THEREFORE ORDERED that the United States Magistrate Judge's Order and Recommendation [Doc. #3] is **ADOPTED** and Plaintiff Charlie Lee Gary's Complaint [Doc. #2] is dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

This the 20th day of March, 2018.



J. Carter Tegay
Senior United States District Judge